

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Subhashis Banerjee et al.

Serial No.: 10/623075

Filed: July 18, 2003

For: Treatment of Anemia Using TNF \alpha Inhibitors

Attorney Docket No.: BPI-192

MS Non Fee Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Group Art Unit: 1644

Examiner: Not Yet Assigned

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By: Cristin E. Howley

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Dear Sir:

Applicants and their Attorney are aware of the following publications and information, listed on the attached PTO Form SB/08, and in accordance with 37 CFR §1.97 hereby submit these publications for the Examiner's consideration. A copy of each cited publication is enclosed.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* 

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as a representation that such publication is prior art. Moreover, Applicants understand that the Examiner will make an independent evaluation of the cited publications.

Under 37 CFR § 1.97(b)(3), no additional costs are believed to be due in connection with the filing of this disclosure. <u>If, however, a first Office Action on the merits</u> issues in this application bearing a mailing date prior to the date of this Information Disclosure Statement, please charge the appropriate fee as required under 37 CFR §1.17(p) to our Deposit Order Account No. 12-0080.

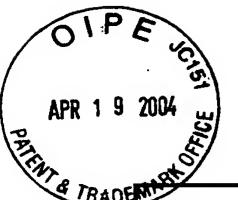
Respectfully submitted, LAHIVE & COCKFIELD, LLP

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Date: April 15, 2004 EAH/CEH/ipc Enclosures



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known		
Application Number	10/623075	
Filing Date	July 18, 2003	
First Named Inventor	Subhashis Banerjee	
Art Unit	1644	
Examiner Name	Not Yet Assigned	
Attorney Docket Number	BPI-192	

	U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> ( if known)			
	A1	6,090,382	07-18-1992	Salfeld et al.	
-	A2	6,258,562 B1	07-10-2001	Salfeld et al.	
	A3	6,509,015 B1	01-21-2003	Salfeld et al.	

		FOREI	GN PATENT	DOCUMENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	A4	WO 02/100330 A2	12-19-2002	ABBOTT LABORATORIES		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WiPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
	A5	Demeter J, et al. Clinical relevance of the TNF-alpha promoter/enhancer polymorphism in patients with aplastic anemia. Ann Hematol. 2002 Oct;81(10):566-9.	
	A6	DiCato M. Anemia in cancer: some pathophysiological aspects. Oncologist. 2003;8 Suppl 1:19-21.	
	A7	Jongen-Lavrencic M, et al. Elevated levels of inflammatory cytokines in bone marrow of patients with rheumatoid arthritis and anemia of chronic disease. J Rheumatol. 1997 Aug;24(8):1504-9.	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner	Date
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<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.